

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

In The Matter Of:	)	
	)	
Carla A. Lartedale	)	Case Number: 23-44030-659
Debtor	)	
	)	
Wilmington Savings Fund Society, FSB,	)	Chapter 13
D/B/A Christiana Trust, Not Individually	)	
but as Trustee for Pretium Mortgage	)	Motion to Lift Stay filed by
Acquisition Trust	)	Wilmington Savings Fund Society, FSB,
Movant	)	D/B/A Christiana Trust, Not Individually but
	)	as Trustee for Pretium Mortgage Acquisition
vs.	)	Trust
	)	
Carla A. Lartedale	)	
Debtor	)	Millsap & Singer, LLC
	)	612 Spirit Drive
Fidell Lartedale	)	St. Louis, MO 63005
Co-Debtor	)	(636) 537-0110
	)	
and	)	Hearing Date: February 5, 2024
	)	Hearing Time: 10:00 AM
Diana S. Daugherty	)	Objection Deadline: January 29, 2024
Trustee	)	
	)	
Respondents	)	

**NOTICE OF HEARING AND**  
**MOTION FOR RELIEF FROM AUTOMATIC STAY,**  
**RELIEF FROM CO-DEBTOR STAY, OR**  
**IN THE ALTERNATIVE, TO DISMISS**

**WARNING: THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE BY JANUARY 29, 2024. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU.**

**IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. THE DATE IS SET OUT ABOVE. UNLESS**



**THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING. REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS. THE HEARING TO BE HELD ON THE DATE AND TIME ABOVE BEFORE THE HONORABLE KATHY A. SURRATT-STATES, IN THE UNITED STATES BANKRUPTCY COURT, EASTERN DISTRICT OF MISSOURI, THOMAS F. EAGLETON U.S. COURTHOUSE, 111 SOUTH TENTH STREET, FLOOR 7, NORTH COURTROOM, ST. LOUIS, MO 63102.**

COMES NOW, Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, Not Individually but as Trustee for Pretium Mortgage Acquisition Trust and for its Motion for Relief from Automatic Stay, Relief from Co-Debtor Stay, or, in the Alternative, to Dismiss states as follows:

1. On November 7, 2023, Debtor filed a Petition under Chapter 13 of the Bankruptcy Code. Diana S. Daugherty is the duly appointed and qualified Trustee in this case.

2. Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, Not Individually but as Trustee for Pretium Mortgage Acquisition Trust is the holder of a secured claim in this proceeding by virtue of one Promissory Note dated August 20, 2007 in the original principal amount of \$85,000.00. A copy of said Note has been electronically attached to this document as Exhibit A and is made a part hereof by this reference.

3. Said Note is secured by a Deed of Trust dated August 20, 2007 and recorded as in Book 17654 at Page 615 modified by Loan Modification Agreement recorded June 19, 2015 in Book 21558 at Page 105 and further modified Loan Modification Agreement recorded November 12, 2021 in Book 25216 at Page 5201 constituting a first lien on real estate owned by the Debtor. Said property being



commonly known as 7756 Mallard Dr, Saint Louis, MO 63133; more particularly described as follows:

LOT 3 IN BLOCK 1 HANLEY HILLS FIRST ADDITION, A SUBDIVISION IN SAINT LOUIS COUNTY, MISSOURI, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 45 PAGE 25 OF SAINT LOUIS COUNTY RECORDS. EXCEPTING THEREFROM THAT PART CONVEYED TO THE STATE OF MISSOURI BY DEED RECORDED IN BOOK 7249 PAGE 1195.

A copy of said Deed of Trust, which is recorded in the St. Louis County Recorder of Deeds Office, has been electronically attached to this document as Exhibit B and is made a part hereof by this reference.

4. Movant seeks to enforce said Note and Deed of Trust as by law allowed. No creditor or Trustee of the estate has any interest in said realty superior to the rights of Movant.

5. This Court previously entered its Order pursuant to 11 U.S.C. Section 362(a) and 1301(a) prohibiting, among other things, any act to enforce any lien against the property of the estate and any act to obtain possession of property of the estate.

6. As of November 13, 2023, the current pay off on said note is as follows:

Principal	\$56,055.89
Interest	\$1,642.88
Escrow	\$1,646.21
Recoverable Balance	\$3,682.32
Deferred Principle	\$72,326.33
Total - Fees	\$24.00
 Total Pay Off	 \$135,377.63

7. The Chapter 13 Plan filed by the Debtor calls for treatment of the secured claim with payments being made by the Debtor. Monthly post petition payments are

owing and delinquent from December 1, 2023 to the present. The following are the payments that are delinquent as of January 4, 2024:

2 payments @ \$586.25	\$1,172.50
Total Arrearages	\$1,172.50

The next payment under the terms of the Note will come due on February 1, 2024 and is in the amount of \$586.25. A post-petition payment history has been electronically attached to this document as Exhibit C and is made a part hereof by this reference.

8. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred attorney fees in the amount of \$600.00 and costs in the amount of \$199.00. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

9. The aforesaid realty has depreciated in value while in possession of the Debtor. There is no equity in said property for the benefit of the bankruptcy estate. Such property is not necessary for an effective reorganization.

10. Good and sufficient cause exists in this case to modify the automatic stay of Section 362 for the reason that:

(a) Post-petition payments to Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, Not Individually but as Trustee for Pretium Mortgage Acquisition Trust have not been paid by the Debtor.

(b) Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, Not Individually but as Trustee for Pretium Mortgage Acquisition Trust does not have adequate protection for its interest in said real estate.

(c) If Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, Not Individually but as Trustee for Pretium Mortgage Acquisition Trust is not permitted to foreclose its security interest in said real estate, it will suffer irreparable injury, loss and damage.

(d) The Chapter 13 plan with respect to Wilmington Savings Fund Society, FSB, D/B/A Christiana Trust, Not Individually but as Trustee for Pretium Mortgage Acquisition Trust was not proposed in good faith as required by 11 U.S.C. Section 1325(a)(3) notwithstanding confirmation by the Court.

11. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Counsel for Debtor to the extent provided for under applicable nonbankruptcy law to discuss loss mitigation options including alternatives to foreclosure.

WHEREFORE, Movant prays that this Court terminate the automatic stay and co-debtor stay in regard to the realty in order to permit Movant, or its successors and assigns to proceed with foreclosure on the aforesaid property to pursue its remedies under state law in connection with the aforesaid Deed of Trust and Note, and to pursue its remedies under state law for possession of said property after foreclosure, to proceed with any foreclosure alternatives and for an order that the relief from the automatic stay is not stayed pursuant to Rule 4001 for fourteen (14) days. In the alternative, Movant prays that this Court dismiss this case for failure to abide by the



terms and conditions of the Chapter 13 plan, and for such other relief as is appropriate and just.

Dated January 9, 2024

Respectfully Submitted:  
Millsap & Singer, LLC

/s/ Pamela B. Leonard

Cynthia M. Kern Woolverton, #47698, #47698MO

Eva Marie Kozeny, #40448, #40448MO

Adam G. Breeze, #60920, #60920MO

William R. Avery, #68985, #68985MO

James Eric Todd, #64199, #64199MO

Pamela B. Leonard, #37027, #37027MO

612 Spirit Drive

St. Louis, MO 63005

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Attorneys for Wilmington Savings Fund Society,  
FSB, D/B/A Christiana Trust, Not Individually but  
as Trustee for Pretium Mortgage Acquisition Trust



**UNITED STATES BANKRUPTCY COURT  
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D/B/A Christiana Trust, Not Individually	)	
but as Trustee for Pretium Mortgage	)	
Acquisition Trust	)	
	)	
Movant,	)	

**SUMMARY OF EXHIBITS**

The following exhibits in reference to the Motion for Relief and Motion for Relief from Co-Debtor Stay have been electronically attached as Exhibits and are available upon request in their entirety.

- A. Note
- B. Deed of Trust
- C. Post Petition Payment History

Respectfully Submitted:  
Millsap & Singer, LLC

/s/ Pamela B. Leonard

Cynthia M. Kern Woolverton, #47698, #47698MO  
Eva Marie Kozeny, #40448, #40448MO  
Adam G. Breeze, #60920, #60920MO  
William R. Avery, #68985, #68985MO  
James Eric Todd, #64199, #64199MO  
Pamela B. Leonard, #37027, #37027MO  
612 Spirit Drive  
St. Louis, MO 63005  
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Facsimile: (636) 537-0067  
bkty@msfirm.com

Attorneys for Wilmington Savings Fund Society,  
FSB, D/B/A Christiana Trust, Not Individually but  
as Trustee for Pretium Mortgage Acquisition Trust



## **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was filed electronically on January 9, 2024, with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court pursuant to CM/ECF as set out on the Notice of Electronic filing as issued by the Court or in the alternative has been served by depositing a true and correct copy of same enclosed in a postage prepaid, properly addressed envelope, in a post office official depository under the exclusive care and custody of the United States Postal Service on those parties directed by the Court on the Notice of Electronic Filing issued by the Court as required by the Federal Rules of Bankruptcy Procedure and the Local Rules of the United States Bankruptcy Court.

/s/ Pamela B. Leonard

### **Electronic Mail Notice List**

The following is the list of attorneys who are currently on the list to receive e-mail notices for this case.

Timothy Patrick Powderly

Diana S. Daugherty

Office of the United States Trustee

### **Manual Notice List**

The following is a list of parties who are not on the list to receive e-mail notices for this case (who therefore require manual noticing).

Carla A. Lartedale  
7756 Mallard Dr.  
Saint Louis, MO 63133

Fidell Lartedale  
7756 Mallard Dr.  
Saint Louis, MO 63133

MSD  
2350 Market Street  
St. Louis, MO 63103-2555

